

Utah State University

DigitalCommons@USU

---

Record of Decisions (WY)

Wyoming

---

1998

## Decision Record for the Environmental Assessment for Coal Planning Decisions in the Carbon Basin Area of the Great Divide Resource Area

United States Department of the Interior, Bureau of Land Management

Follow this and additional works at: [https://digitalcommons.usu.edu/wyoming\\_recdecisions](https://digitalcommons.usu.edu/wyoming_recdecisions)



Part of the [Environmental Sciences Commons](#)

---

### Recommended Citation

United States Department of the Interior, Bureau of Land Management, "Decision Record for the Environmental Assessment for Coal Planning Decisions in the Carbon Basin Area of the Great Divide Resource Area" (1998). *Record of Decisions (WY)*. Paper 19.

[https://digitalcommons.usu.edu/wyoming\\_recdecisions/19](https://digitalcommons.usu.edu/wyoming_recdecisions/19)

This Report is brought to you for free and open access by the Wyoming at DigitalCommons@USU. It has been accepted for inclusion in Record of Decisions (WY) by an authorized administrator of DigitalCommons@USU. For more information, please contact [digitalcommons@usu.edu](mailto:digitalcommons@usu.edu).



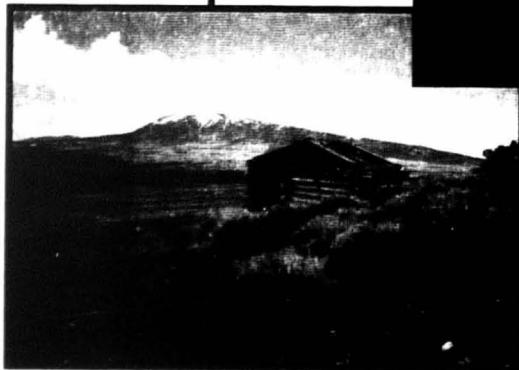


U.S. Department of the Interior  
Bureau of Land Management  
Rawlins District Office

Great Divide Resource Area

March 1998

## Decision Record for the Environmental Assessment for Coal Planning Decisions in the Carbon Basin Area of the Great Divide Resource Area



The Bureau of Land Management is responsible for the balanced management of the public lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principles of multiple use and sustained yield; a combination of uses that take into account the long term needs of future generations for renewable and nonrenewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness and natural, scenic, scientific and cultural values.

BLM/WY/PL-98/011+1320

98-035968

12

I



## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

Wyoming State Office  
P.O. Box 1828  
Cheyenne, Wyoming 82003-1828

March 19, 1998

Dear Reader:

Enclosed are the proposed coal planning decisions for the Federal coal lands in the Carbon Basin area. The Carbon Basin area is located within the Bureau of Land Management (BLM) Great Divide Resource Area in Carbon County, Wyoming. The Carbon Basin planning review area is comprised of about 38,460 acres of intermingled and overlapping land surface and mineral ownerships. These ownerships include BLM-administered public land surface, BLM-administered federal minerals (e.g., coal), and private and state-owned land surface and minerals.

The Federal Coal Leasing Amendments Act of 1976 requires that Federal coal lands to be considered for leasing must be identified in a comprehensive land use plan. At the time the Great Divide Resource Management Plan (RMP-1990) was prepared, approximately 60% of the Federal coal lands in the Carbon Basin Coal Area were leased and exempt from the coal screening/planning process. Subsequently, development of this lease was never pursued and the lease expired. In addition, the coal screening/planning process was not conducted on the remainder of the Federal coal lands in the Carbon Basin area during the RMP planning effort because no interest had been expressed in leasing the Federal coal. For these reasons, no coal planning decisions were included in the Great Divide RMP for the Federal coal lands in the Carbon Basin area.


Recently, interest has been expressed in leasing Federal coal in the Carbon Basin. In response, the BLM has conducted the coal screening/planning process on the area and documented the results in an environmental assessment (EA). Enclosed is the proposed decision, resulting from that EA, identifying the Federal coal lands in the Carbon Basin area that have been determined to be acceptable for further consideration for coal leasing and development. The proposed decision would also amend the Great Divide RMP accordingly. Development of the proposed decision included consideration of the public comments received during the public scoping period and the 45-day public review/comment period for the EA.

The proposed decision to amend the Great Divide RMP, to provide that the identified Federal coal lands in the Carbon Basin area would be open to further consideration for coal leasing and development, is subject to protest. As provided in 43 Code of Federal Regulations, Part 1610.5-2, any person who participated in the planning review process and has an interest which is or may be adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may concern only those issues which were raised and submitted for the record during the planning review process and by only the party(ies) who raised the issue(s). All parts of the proposed decision may be protested. Protests must be in writing and must be sent to the Director (210), Bureau of Land Management, Attention Brenda Williams, 1849 C Street N.W., Washington, D.C. 20240. Protests must be post-marked within 30 days following the date the notice of availability (NOA) of this decision record is published in the *Federal Register*. Protests must include, (a) the name, mailing address, telephone number, and interest of the person filing the protest; (b) a statement of the issue or issues submitted during the planning review process by the protesting party or an indication of the date the issue or issues were discussed for the record; (c) a statement of the part, or parts, of the proposed decision being protested; (d) a copy of all documents addressing the issue or issues that were submitted during the planning review process by the protesting party or an indication of the date the issue or issues were discussed for the record; and (e) a concise statement explaining why the State Director's proposed decision is believed to be wrong.

If no protests are received, the enclosed proposed decision will become final at the end of the 30-day protest period. If protests are received, the decision will not become final until the protests are resolved.

Through your participation, we look forward to improved public land management in the Carbon Basin Coal Area.

Sincerely,

  
Alan R. Pierson  
Wyoming State Director

Enclosure

**DECISION RECORD and FONSI - Carbon Basin Area**

**DECISION RECORD  
AND  
FINDING OF NO SIGNIFICANT IMPACT  
FOR THE  
COAL PLANNING DECISIONS  
IN THE CARBON BASIN COAL AREA  
GREAT DIVIDE RESOURCE AREA**

**SUMMARY**

The Federal Coal Leasing Amendments Act of 1976 requires that Federal coal lands to be considered for leasing must be identified in a comprehensive land use plan. At the time the Great Divide Resource Management Plan (GDRA RMP, 1990) was prepared, approximately 60% of the Federal coal lands in the Carbon Basin Coal Area were leased and exempt from the coal screening/planning process. Subsequently, development of this lease was never pursued and the lease expired. In addition, the coal screening/planning process was not conducted on the remainder of the Federal coal lands in the Carbon Basin area during the RMP planning effort because no interest had been expressed in leasing the Federal coal. For these reasons, no coal planning decisions were included in the Great Divide RMP for the Federal coal lands in the Carbon Basin area. Recently, interest has been expressed in leasing Federal coal in the Carbon Basin. In response, the Bureau of Land Management (BLM) has conducted the coal screening/planning process on the area and documented the results in an environmental assessment (EA).

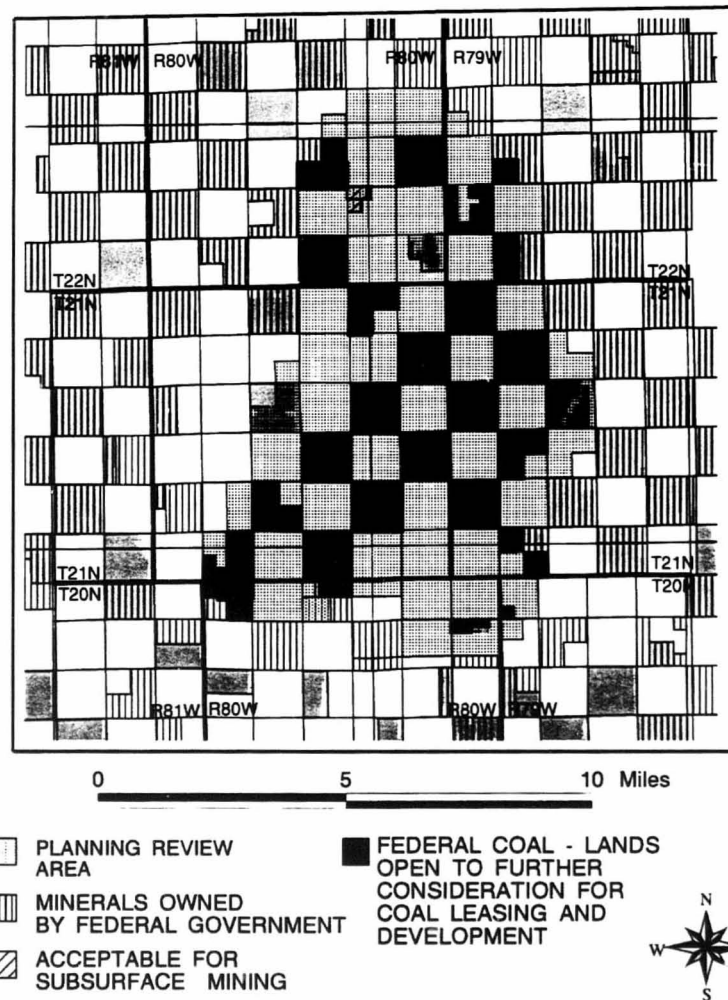
**DECISION**

It is my decision to select Alternative 2, the BLM Preferred Alternative (described in the EA for Coal Planning Decisions in the Carbon Basin Area of the Great Divide Resource Area), as modified due to public comment and described below. This decision opens to further consideration for coal leasing and development 11,928.36 acres of Federal coal lands and approximately 313 million tons of Federal coal located in the Carbon Basin, Carbon County, Wyoming, with appropriate and necessary conditions and requirements for protection of other land and resource values and uses.

All 11,928.36 acres of Federal coal lands are open to consideration for mining by surface and subsurface methods, except for a 120-acre historic cemetery adjacent to the Town of Carbon. To preserve the setting of the historic cemetery, it was determined that 120 acres in the SW1/4NW1/4, N1/2NW1/4, Section 26, T. 22 N., R. 80 W., including and surrounding the Town of Carbon Cemetery, were unacceptable for coal mining using surface mining methods and unacceptable for surface operations and activities related to subsurface coal mining. It was determined that subsurface coal mining of this site with a no-surface-occupancy requirement would be acceptable. Map 1 shows the federal coal lands open to consideration for coal leasing and development.

Accordingly, my decision also amends the Great Divide RMP to include the Federal coal planning decisions for the Carbon Basin area.

The decision is based on the EA for Coal Planning Decisions in the Carbon Basin Area of the Great Divide Resource Area. The EA documents the results of the planning review conducted to determine if Federal coal lands in the Carbon Basin planning review area should be open to further consideration for coal leasing and development. The Federal Coal Management Program (1979) established four major steps to be used



**MAP 1: CARBON BASIN COAL PLANNING DECISION MAP**

## DECISION RECORD and FONSI - Carbon Basin Area

in the identification of Federal coal areas that are acceptable for coal development. The four steps are (1) identification of areas with Federal coal development potential, (2) application of the coal unsuitability criteria, (3) other multiple use conflicts evaluation, and (4) surface owner consultation. Coal Planning Decisions made as a result of this EA for the Carbon Basin Area do not include planning and management decisions for lands or minerals within the planning review area that are privately owned or owned by the State of Wyoming or local governments. It is not within the BLM's jurisdiction to provide direction for the surface or minerals management of non-Federal lands and minerals.

The Carbon Basin planning review area is subject to continued field investigations, studies, and evaluations to determine if certain methods of coal mining can occur without significant long-term impacts on wildlife, cultural, and watershed resources, in general, and on threatened and endangered plant and animal species and their essential habitats.

Such investigations, studies, and evaluations may be conducted on an as-needed or case-by-case basis in reviewing individual coal leasing and development proposals (e.g., mine plans) or, if opportunities or needs arise, area-wide studies may be conducted. These studies include keeping resource databases current, analysis of effects to wildlife and threatened and endangered species habitats and populations, and the cumulative effects of mining operations and other development or surface-disturbing activities in the area. Consultation with other agencies, interested parties, and industry will occur as needed or required.

As a result of the coal screening process, the following conditional requirements or mitigation measures will be applied, as appropriate and necessary, to surface disturbing activities associated with mining and development of the Federal coal in the Carbon Basin area.

**For concerns with cultural resources management:** In order to preserve the historic setting of the Town of Carbon Cemetery, 120 acres of Federal coal lands surrounding and including the cemetery is open to consideration for further coal leasing and development by subsurface mining methods only. Surface occupancy and surface disturbance on this area is prohibited.

**For concerns with paleontological resources management:** If paleontological resources, either large and conspicuous or of significant value are discovered during construction or mining activity, the find will be reported to the authorized officer immediately. Construction will be suspended within 250 feet of said find. An evaluation of the paleontological discovery will be made by a BLM-approved paleontologist within five (5) working days, weather permitting, to determine the appropriate action(s) to prevent the potential loss of any significant paleontological value. Operations within 250 feet of such discovery will not be resumed until written authorization to proceed is issued by the authorized officer. The lessee will bear the cost of any required paleontological appraisals, surface collection of fossils, or salvage of any large conspicuous fossils of significant scientific interest discovered during the operations.

**For concerns with the lands and realty management program:** Existing roads and rights-of-way (ROWs) for powerlines and pipelines will be relocated to accommodate coal mining and related activities. Areas with existing ROWs are open to consideration of coal leasing and development, subject to valid existing rights and negotiations for relocating pipelines and powerlines, if necessary. Prior rights will be protected for all ROWs of record. Any unforeseen conflicts in the planning review area will be identified and resolved during the coal leasing process or during development of mining and reclamation plans.

Surface or subsurface coal mining and related surface operations and impacts will be prohibited on Federal coal lands within a 100-foot buffer zone around cemeteries and a 300-foot buffer around occupied dwellings or structures. Should conflicts arise, it will be the responsibility of the lessee to show

## DECISION RECORD and FONSI - Carbon Basin Area

that the conflicts between mining activity and the buffer zone will be adequately addressed and mitigated to the satisfaction of the involved parties. These situations, if they arise, will be addressed during the course of processing Federal coal lease applications and prior to issuing any Federal coal lease. Because coal mining in the overlap of the planning review area and the Simpson Ridge Windpower Project Area may not occur in the near future, and because placement of wind energy facilities or coal mining activities cannot be determined at this time, the following provision has been placed in the wind energy ROW grant:

Federal coal resources underlie a portion of the Simpson Ridge Windpower Project Area. To prevent Federal coal resources from being devalued by surface improvements, the grant holder may place wind energy facilities on the public lands identified below, but bears the responsibility for repair, replacement, or lost revenue should the BLM subsequently lease Federal coal and if the mining of such coal damages or impairs the operation of wind energy facilities. The lands subject to this condition are:

### T. 21 N., R. 80 W.

Section 12: All

Section 14: All

### T. 22 N., R. 80 W.

Section 22: NE1/4, S1/2

Section 26: N1/2NW1/4, SW1/4NW1/4

Section 34: All

**For concerns with oil and gas management:** Conflicts could arise where 8,634.64 acres of Federal oil and gas leases overlap Federal coal areas open to consideration of coal development and leasing. To allow for full development of both resources, current BLM policy, including use of appropriate lease stipulations, will be used to resolve any conflicts that arise between oil and gas development and coal development.

**For concerns with soil, water, and air management:** Riparian habitat and wetland areas will be open to consideration of coal development and leasing. During the mine permitting process, it may be determined that some drainages would be best avoided, while short reaches of other drainages would be diverted around mine pits and held in temporary channels or ponds.

In potential alluvial valley floors and adjacent areas where coal mining could interrupt or intercept water flow to farming areas along drainages, mining of Federal coal will be allowed only with appropriate mitigation measures made part of an approved mine plan or permit.

**For concerns with wildlife habitat and fisheries management:** All Federal coal lands that are open to consideration of leasing and development will be subject to continued field investigations, studies, and evaluations to determine if certain methods of coal mining can occur without having a long-term impact on wildlife, in general, and on threatened and endangered species and their essential habitats.

Required surveys of prairie dog complexes will be included in the stipulations for any Federal coal lease that may be issued in the area. In addition to prairie dog complexes, any area found to support an endangered species would be acceptable for coal development with a provision that any Federal coal lease issued will include a requirement for developing appropriate mitigation measures that will protect the long-term interests of the species and habitats involved. The U.S. Fish and Wildlife Service (FWS) has required that if black-tailed prairie dog colonies or complexes greater than 79 acres or white-tailed prairie dog colonies or complexes greater than 200 acres would be disturbed, surveys for black-footed ferrets should be conducted.

## **DECISION RECORD and FONSI - Carbon Basin Area**

Prior to leasing Federal coal, surveys will be completed for bald and golden eagle roosts and nests, falcon cliff nesting sites, and birds protected under the Migratory Bird Treaty Act.

A Biological Assessment (BA) will be prepared in conjunction with the environmental impact statement (EIS) or environmental assessment (EA) that is prepared prior to issuing a Federal coal lease. As a result of the BA, EIS or EA, other stipulations may be identified, to the effect that the lessee would be required to develop mitigation measures or habitat improvement, development, or reclamation plans to the satisfaction of the BLM and FWS. Mitigation measures may include, but are not limited to, such things as seasonal operations in some areas, buffer zones around occupied nests (e.g., eagles, falcons), protection of active (not necessarily occupied) nests at all times (unless otherwise provided by the FWS), on- or off-site (but on-lease) habitat improvement or development, special reclamation measures, or other appropriate measures for long-term habitat protection.

Mitigative measures will be combined with appropriate mining methods to reduce impacts of mining in antelope and deer crucial winter ranges within the planning review area in order to maintain a long-range balance between habitat needs and coal development.

Sage grouse habitat areas will be open to coal development with stipulations and mitigation requirements for habitat maintenance, improvement, development and reclamation. Exploration activities and ancillary facilities will be allowed provided that, (1) the surface disturbing activities related to exploration and ancillary facility development will avoid the lek area and the area 1/4-mile distant from the center of the lek area, if possible, and where not possible, intensive mitigation is applied; (2) permanent and high profile structures, such as buildings, overhead powerlines, other types of high profile ancillary facilities, etc., are prohibited in the lek area and the area 1/4-mile distant from the center of the lek area; (3) during the grouse mating season, surface uses and activities are prohibited between the hours of 6:00 p.m. and 9:00 a.m., within 1/2-mile of the center of the lek area; (4) if surface disturbance in the nesting area, within a 2-mile distance of a lek center is limited to only actual mining activity and other activities are subject to seasonal limitations; and (5) if it is attempted to relocate lek and nesting complexes that are disturbed or destroyed by coal mining (relocation efforts are to be coordinated with the BLM, WGFD and other appropriate agencies).

### **FINDING OF NO SIGNIFICANT IMPACT**

Based on the environmental analysis presented in the Environmental Assessment for Coal Planning Decisions in the Carbon Basin Area, I have determined that the anticipated impacts to the quality of the human environment are not significant. Therefore, an environmental impact statement is not necessary. Further explanation is provided below in the Rationale for Decision.

### **ALTERNATIVES ANALYZED IN DETAIL**

#### **Alternative 1: No Action-Continuation of Present Management.**

This alternative would continue existing management practices and direction identified in the Great Divide RMP. Under this alternative, the Federal coal lands in the Carbon Basin planning review area would not be open to consideration of coal development and further leasing consideration. Other existing uses of the BLM-administered public lands in the area would continue and mining of state- and privately-owned coal in the area would occur.

#### **Alternative 2 (BLM preferred alternative): Federal Coal Leasing and Development Alternative.**

This alternative differs from Alternative 1 by opening the Federal coal lands in the planning review area to further consideration of leasing and development. Optimal resource management would continue to be

## **DECISION RECORD and FONSI - Carbon Basin Area**

achieved by balancing land and resource use activities with intensive management and conditional requirements, including such things as limitations, restrictions, and other mitigation requirements. All of the resource uses and terms and conditions described above as part of the decision would be appropriately applied under this alternative.

### **ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL**

#### **No Future Coal Development in the Carbon Basin Area.**

This alternative was considered as a means of identifying current (baseline) environmental impacts occurring within the planning review area. This alternative was unrealistic and was not analyzed in detail because of the inability of BLM to control activities that would occur on private and state lands.

#### **No Exceptions-Strict Application of the Coal Unsuitability Criteria with No Application of Exceptions.**

This alternative was considered as a potential "protection" alternative. Under this alternative all Federal coal lands within the Carbon Basin planning review area would be found unsuitable under the unsuitability criteria and would be eliminated from further consideration for leasing or development. Because Alternative 1, the No Action-Continuation of Present Management alternative, adequately addresses no leasing or development of Federal coal in the Carbon Basin Area, it was unnecessary to analyze this alternative in detail or to give it further consideration.

### **RATIONALE FOR DECISION**

The decision to allow Federal coal lands within the Carbon Basin Area to be open to further consideration for coal leasing and development is based on several factors.

The Coal Planning Decisions for the Carbon Basin Area are consistent with the objectives in the Great Divide RMP for managing the Federal coal resources, which are, "(a) to provide for both short- and long-range development of Federal coal in an orderly and timely manner, consistent with the Federal coal management program, policies, environmental integrity, national energy needs, and related demands; (b) to identify Federal coal that is acceptable for further consideration for leasing; and (c) to identify appropriate mitigation for sensitive areas" (GDRA RMP, 1990).

The Coal Planning Decisions for the Carbon Basin Area resulted from the correct and appropriate application of the coal screening/planning process applied to all Federal coal lands in the Carbon Basin. All Federal coal lands that pass through the screening process are determined to be acceptable for further coal leasing and development.

Information and comments received from the public during scoping and during the comment period on the Environmental Assessment for Coal Planning Decisions in the Carbon Basin were used to complete the coal screening process and to arrive at this decision. No information was provided that resulted in additional lands not passing through the coal screening process. The comments received from the public during this process are valuable and will be addressed during any environmental analysis conducted prior to coal leasing or development.



## DECISION RECORD and FONSI - Carbon Basin Area

As Hanna Basin coal reserves diminish, the Carbon Basin area will provide a logical continuation of mining operations due to the proximity of existing facilities and labor force.

### SUMMARY OF PUBLIC COMMENTS ON THE ENVIRONMENTAL ASSESSMENT FOR COAL PLANNING DECISIONS IN THE CARBON BASIN AREA

Thirteen letters were received during the 45-day comment period for the EA.

Several respondents identified concerns and requested analysis of impacts at a level of detail not required, or possible, at the planning review level. Discussion of issues such as the duration of mining, effects of increased traffic, impacts to scattered ranching operations, the effects of blasting and noise on humans and wildlife, the effects of coal mining on air and water quality, and geologic hazards, will be specifically addressed in environmental analysis documents (EAs or EISs) that would be prepared prior to issuing Federal coal leases and mining permits in the area.

In addition, comments were received that the EA contained insufficient discussion of cumulative impacts to recreation opportunities, raptors, and other avian species. No cumulative impacts to recreation, raptors, or other avian species were identified during the planning review that would preclude the area from further consideration for leasing. The cumulative effects to resources would depend on the actual location of pits, ancillary facilities and mine permit requirements and would be considered in the environmental analysis of any specific project proposal as indicated above.

The planning review is intended to determine if the Federal coal lands within the planning area should be open to further consideration for coal leasing and development based upon the results of the coal screening process. The purpose of the EA was to provide the decision maker and the public with sufficient information to understand how the planning review was conducted and the broad environmental impacts that may result if coal mining were to occur in the Carbon Basin Area. Compliance with the National Environmental Policy Act (NEPA) for subsequent aspects of the Federal coal program (i.e., leasing and mining) does not end with a land use planning decision to open Federal coal lands to "consideration" for leasing and development. Additional environmental analyses and associated documents (EAs or EISs) will be prepared for any subsequent Federal lease applications and will be the basis for making any decisions to issue a Federal coal lease. When a Federal coal lease is issued, further environmental analysis and documentation is done for mine plans before mining permits are issued.

Where responses to individual comments would provide clarification to the coal planning review process or the environmental analysis, we have provided responses below:

Five commentors raised concerns regarding the possible effect mining could have on the quality and quantity of water flowing into the Medicine Bow River and how it would impact downstream uses. The EA states, on page 67, that most major drainages will be avoided during mining. However, it is possible that the short reaches of some drainages would be diverted around mine pits and water would be held in temporary channels and ponds. Prior to coal mining and development, a permit application package is submitted to, and approved by, the Wyoming Department of Environmental Quality (WDEQ). The WDEQ permit would approve all designs for diversion ditches, culvert crossings, sediment ponds, etc., in order to ensure that effects to downstream water quality and quantity will be insignificant. In addition, the permittee will be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act of 1977, which regulates discharge of pollutants into navigable waters. Water released from sedimentation ponds would be of better quality than that now carried by ephemeral streams. After mining, all disturbed drainages would be reconstructed to approximate pre-mining contour and gradient. One commentor questioned the effects mining would have on water wells located outside the Carbon Basin. Again this subject will be addressed once a project has been defined. However, in general, surface and underground mining activities in the Carbon Basin should have no effect on water wells

## DECISION RECORD and FONSI - Carbon Basin Area

located outside of the basin. As discussed on page 68 of the EA, the coal formations in the basin are separated from broad, regional aquifers by a layer of semi-impervious Lewis Shale, which essentially eliminates any hydraulic connection between the coal-bearing formations and the alluvium along the Medicine Bow River. In addition, the Carbon Basin is a closed basin which means groundwater flows would be toward the center of the basin and should have no effect on groundwater resources outside of the basin. The effects of mining activities on water wells within the basin are discussed on pages 50-51 of the EA.

One commentor was concerned about how mining might potentially effect future seismic exploration and future oil and gas development. The provisions in any Federal coal lease are subject to prior existing rights of any Federal oil and gas leases (or any other use authorization existing on BLM-administered public lands) encumbering all or part of the same acreage. These lands are open to exploration for oil and gas, including the use of seismic methods. BLM would retain the authority to alter or modify coal operations on lands covered by existing Federal oil and gas leases to avoid interference with prior existing rights. On BLM-administered public lands that are currently not leased for Federal oil and gas in the Carbon Basin planning area, no oil and gas exploration activity, including seismic exploration activities, would be allowed. However, continued oil and gas leasing would be considered in the basin and concurrent development of Federal oil and gas and coal would be encouraged as long as it did not result in a significant loss of Federal coal. As appropriate, stipulations would be placed on new oil and gas leases issued in any area open to further consideration for coal leasing and development.

Statements made by a commentor concerning existing access should be clarified. At present, where legal public access exists (i.e., a public road), access is not restricted to public lands in the wind energy project area. Where access has in the past been available, in either the Ledger Land Exchange area or the Ark Land Company lands, the lands may continue to be available to the public with landowner permission. Whether a landowner chooses to grant permission is beyond the scope of this document. The final outcome may be that the amount of land available for public recreation may increase, decrease, or stay about the same.

A comment was made that the BLM should identify how big game crucial winter range would be protected and habitat quality maintained and that there is no way to "create" crucial winter range. The statement was made in reference to the Great Divide RMP objectives listed on page 17 of the EA. The Great Divide RMP objectives apply to the entire resource area and would continue to apply under the multiple-use management that would continue in the Carbon Basin planning review area. The objective statements in the RMP also provide that surface disturbance would be mitigated and that crucial big game range would be reclaimed to the extent possible. The intent of the objective is to fully consider the needs of wildlife and reduce impacts of any action by using all available mitigation measures, appropriate design and development technology, and reclamation measures.

We believe that the discussion of big game winter range on page 56 and page 73 of the EA adequately addresses the loss of habitat and is adequate for a land use plan (RMP) decision level document. The analysis projects a reduction in crucial winter range over the ten year life of the mine of approximately one percent. Big game populations will be slightly suppressed during the life of the mine but not to an extent that would jeopardize the health and viability of the herd(s). Whether big game animals move away from the mine activity and are outcompeted in adjacent winter range or whether the added stress causes them to die in a bad winter, the result is that wildlife will, when they move off of summer ranges and onto historic winter ranges, find a slightly reduced amount of habitat on which to overwinter. With proper project mitigation and reclamation of disturbed sites (including proper seed mixes), impacts of habitat conversion will be reduced in the long term.

A respondent felt that the lack of discussion of impacts to elk and white-tailed deer was an oversight we should correct. We agree that some minor impacts to elk and white-tailed deer may occur within the

## DECISION RECORD and FONSI - Carbon Basin Area

planning review area. However, the lack of crucial winter range for these species within the planning review area would not put these animals at risk. Even though impacts may occur to elk and white-tailed deer, the primary concern identified during the coal screening process was for crucial winter range (Appendix 1-12, Criterion #15, and multiple-use conflict evaluation). During the planning review process, no habitats were identified that were unacceptable for further consideration for Federal coal leasing and development. Additional analysis of impacts to big game species will occur during the environmental analysis for any lease application or mine permit.

A respondent was concerned about the implication on page 20 of the EA that sage grouse leks could be successfully relocated as a mitigation measure where mining would disturb or destroy a lek. The intent is to utilize all mitigation measures available, in consultation with the WGFD, to reduce impacts to sage grouse. Once a site-specific proposal is received, additional analysis will be completed that will address impacts from specific mining activities within the planning review area. Whether or not it is believed that relocation may be successful should not be a deterrent to making the attempt.

The Surface Mining Control and Reclamation Act and the federal regulations at 43 CFR 3461.5 provide for the application of the coal unsuitability criteria during the land use planning process. Criterion #15 applies to State high-interest species and habitats. This criterion allows that a lease may be issued if, after consultation with the state, the surface management agency determines that all or certain stipulated methods of coal mining will not have a significant long-term impact on the species being protected. The coal screening process for the Carbon Basin planning review area did not identify any areas that would be unacceptable for further consideration for coal leasing and development, with a provision that any lease issued would include a requirement for developing appropriate mitigation measures that would protect the long-term interests of the species and habitats involved. This would occur during the environmental analysis of any project specific application. If the long-term interests of any species is jeopardized, specific lands could be withheld from leasing or development.

One respondent was concerned about the mobilization and migration of toxic elements. As addressed in the EA, the purpose of the document is to provide information essential for determining if the Federal coal lands would be acceptable for further consideration for coal leasing and development based on the coal screening process. State and federal regulations control quality of runoff from mined areas and would dictate mining methods and reclamation techniques. Effluent standards or prohibitions for toxic pollutants set forth in EPA regulations may be incorporated in an NPDES permit when required. An Environmental Impact Statement will be prepared to analyze the *specific* aspects of a coal mining operation. At the EIS level of analysis, potential impacts to soils and surface/groundwater from the disturbance of parent materials bearing elements toxic to plants or animals will be addressed.

One respondent was concerned that the buffer zones around sage grouse leks identified in the EA were not adequate to protect nesting habitat and avoid interference with breeding activities. The coal-screening process required under 43 CFR 3461.5 and the results of that process in Appendix 1 - Criterion #15 require that project specific mitigation measures be incorporated that would protect the long-term interest of the species and habitats involved. Through the coal screening process lands are considered acceptable for further consideration for coal leasing and development if the long-term interests of the species can be protected. Under the reasonably foreseeable development scenario described in 4.0 of the EA, no leks were projected to be destroyed under either alternative. The impacts to sage grouse included 800 - 1,000 acres of disturbance to habitat within the 2-mile radius of known leks. The amount of actual disturbance to nesting habitat may be less as not every acre within the 2-mile radius is nesting habitat. Until a specific project EIS is completed for a project proposal, it is not known whether a known lek or lek identified during future surveys would be affected by coal mining. The potential loss of an individual lek does not preclude the area from being mined as long as the long-term interest of the species and habitats are protected. Every reasonable effort would be made to reduce impacts to sage grouse through the use of the mitigation measures identified on page 20 of the EA.

## DECISION RECORD and FONSI - Carbon Basin Area

A commentor was concerned that the document more clearly indicate that potential plover, burrowing owl, and swift fox habitat exists within the planning review area and that future surveys would likely identify the presence of these species. As stated at various locations on page 59, the required surveys would be completed where potential habitat within the permit area is to be disturbed. Surveys conducted in accordance with FWS guidelines, would be required as part of the environmental analysis for the Federal coal leasing process and WDEQ permitting process. As one example, if plover habitat is identified on these lands, a habitat recovery and replacement plan would be required as part of the mine permit application. This plan, which would have to be approved by the FWS, would be expected to reduce potential impacts to an acceptable level. Other species of management concern in Wyoming would be identified in consultation with the WGFD and the FWS and evaluated prior to leasing or mining.

Corrections and clarifications to the Environmental Assessment for Coal Planning Decisions in the Carbon Basin Area of the Great Divide Resource Area are included in the attached errata (Attachment 1).

I have reviewed my responsibilities under existing laws, regulations, policies, and land use decisions, and my decision is consistent with them.

  
Alan R. Pierson  
Wyoming State Director

3-19-98  
Date



**ATTACHMENT 1**

**ERRATA  
for the  
ENVIRONMENTAL ASSESSMENT FOR  
COAL PLANNING DECISIONS IN THE CARBON BASIN AREA**

<b>PAGE</b>	<b>CHANGE</b>
V., Table 1.2.	Change "sate" to "state"
IX.	"Closed" Designation (ORV). Change to read, " See the description of off-road vehicle designations under "Recreation" in Chapter 1 of the GDRA RMP.
XI.	"Limited" Designation (ORV). Change to read, " See the description of off-road vehicle designations under "Recreation" in Chapter 1 of the GDRA RMP.
XII.	Unsuitability Criteria. Change Appendix II to Appendix 1.
19.	Second Paragraph under Concerns with wildlife habitat and fisheries management. Change the paragraph to read, "Required surveys for prairie dog complexes would be included in the stipulations for any federal coal lease that may be issued in the area. Any area found to support an endangered species may be found acceptable for coal development following consultation with the Fish and Wildlife Service, under section 7 of the Endangered Species Act of 1973, as amended. Any area found to support an endangered species would include a provision that any lease issued would include a requirement for developing appropriate mitigation measures that would protect the long-term interests of the species and habitats involved. The FWS <i>requires</i> that if black-tailed prairie dog colonies or complexes greater than 79 acres or white-tailed prairie dog colonies greater than 200 acres would be disturbed, surveys for black-footed ferrets should be conducted".
26.	Table 3.2. Change "Johnson Rid" to "Johnson Rider".
30.	Air Resources. Line 5 should start a new paragraph.
30.	Visual Resources. Class IV description should be changed to read, "The objective of this class is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.
Fig.3.2 and 3.3	The Planning Review Area shading dots should be red and not grey.
Fig. 3.3	In the legend the shading for Mule Deer Winter Range and Antelope Winter Range should be reversed.
Fig.3.4	"Coal Boundary" in the legend should be changed to "Planning Review Area" and the shading dots on the map should be red.
52.	Paragraph 2. Line 6 should start a new paragraph.
73.	Paragraph 1. No text is missing from the first line.
81.	Add reference, "Harris, R.E. 1996. Industrial Materials Map of Wyoming. Map Series 47 Wyoming State Geological Survey.
Appendix 1-3.	Special Note. The first line should read, "Under the No Action-Continuation of Present Management - Alternative 1,..."
Appendix 1-12.	Paragraph 1. Change Falco peregrinus to Falco peregrinus